

PATENT COOPERATION TREATY

REC'D 02 JUN 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/003138

International filing date (day/month/year)
24.03.2005

Priority date (day/month/year)
07.04.2004

International Patent Classification (IPC) or both national classification and IPC
H04N1/00

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/003138

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/003138

**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	8
	No: Claims	1-7,9-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement.

Reference is made to the following documents:

D1: EP-A-1 324 587 (EASTMAN KODAK CO) 2 July 2003 (2003-07-02)

D2: GB-A-2 312 349 (BURDER DAVID GIFFORD) 22 October 1997 (1997-10-22)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 12 is not new in the sense of Article 33(2) PCT.

- 1.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (see paragraphs 25,26,29,34,42 and 45):

An automatic editing method of video sequences to produce lenticular grid hardcopies (lenticular motion card 62) based on shot sequences produced by a digital camera (digital camera 12), comprising

a) the selection of a first set of images (sequentially captured frames, selected from a sequence of frames) in a shot image sequence (sequence of frames),

b) the assignment to each image of the image set of an individual quality factor as a function of image characteristics,

c) the selection of at least one new image set by replacing at least one image of the previously selected image set by a new image of the shot sequence, and absent from the previously selected set (reselects the start and end frames of the motion sequence),

d) the preparation of image data (arrive at the optimum motion sequence) to form a lenticular grid hardcopy (lenticular motion card 62), based on an image set taken from among the previously selected image sets and with the highest overall quality factor, the overall quality factor being a function of the individual quality factors of the images of each selected image set.

- 1.2 The terms "individual quality factor" and "overall quality factor" are so vague that they are considered to be anticipated by the disclosure of D1, where a selection of frames

is made it is implicit that the frames are selected based on some qualitative assessment, i.e. based on some quality factor (e.g. image OK/ not OK) assigned in some way to each image or group of images. In the case of a group of images such a quality factor would in it's simplest form be an accumulation or average of the individual quality factors.

For similar reasons D2 (see page 3, line 13 - page 4, line 41) is also considered to be an anticipation of claim 1.

1.3 D1 further discloses (see paragraph 43, figure 6):

A camera (digital camera 12) comprising a selector control (mode dial 336) between a capture mode of a single fixed image and a capture mode of an image sequence, the camera also being equipped with a single control (mode dial 336) for starting an automatic editing method according to claim 1, in response to the capture of a sequence where the number of images exceeds the number of images capable of being contained in a lenticular grid hardcopy.

2. Dependent claims 2-11 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.

Re Item VIII.

- 3.1 There appears to be a feature missing from claim 1. Before step d) it seems necessary that step b) is repeated for the new image set.
- 3.2 In claim 4 it is not clear how a number can be less than an order in the expression "a number of images less than the regular order O".